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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,281	11/03/2000	Dan Hammond	47524-P125US-10025004	4699

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EXAMINER	
HO, DUC CHI	
ART UNIT	**PAPER NUMBER**
2665	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/705,281	HAMMOND, DAN	
	Examiner	Art Unit	
	Duc C Ho	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *See Continuation Sheet* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 4.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 1-9,11,12,15,17,18,21-23,26-28,30-38,45,46,48,49,52-56,60,65-68,70-73,77-85,87 and 89-132.

Continuation of Disposition of Claims: Claims rejected are 1-9,11,12,15,17,18,21-23,26-28,30-38,45,46,48,49,52-56,60,65-68,70-73,77-85,87 and 89-132.

DETAILED ACTION

Claim Objections

1. Claims 31-38, 45-46, 48-49, 52, 81-85, 87, 89, 90-91, and 110-125 are objected to because of the following informalities:

Claim 31 recites the limitation "said 10" in line 10. It seems to be a typo error. The same remark applies to claim 81-line 10, and claim 110-line 7.

Claim 32, line 1 has a period right after the word "of". It seems to be a typo error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 5-8, 93, 97-99, and 123 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "said retrieved information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitation "said size" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 46 recites the limitation "said transmitted segment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 93 recites the limitation "said established connections" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

Claim 123 recites the limitation "said transmitting step" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1are rejected under 35 U.S.C. 102(e) as being anticipated by Kurganov et al. (U.S. 6,721,705), hereinafter referred to as Kurganov.

Regarding claim 1, Kurganov discloses a robust voice browser system and voice activated device controller.

an application server (a media server 106-fig. 1, col.4-line 58 to col.5-line 64) *having application logic* (an IVR application 304-fig. 3, col. 15-line 31 to col. 16-line 21) *and information stored thereon* (the information is inherently stored in the 308 unit-fig.

3), *said application logic for defining at least one voice response application* (the IVR is capable of playing audio messages, col. 15, lines 31-45);

a communication device for establishing at least one connection with said application server (a mobile phone 112 established a connection to the media server via the PSTN 118-fig.1), *wherein said application server communicates said application logic to said communication device responsive to one of said established connections* (the IVR is *capable of playing audio message in response to a request of the unit 112, col. 15, lines 31-45); and*

a processor connected to said communication device to execute said communicated application logic and locally administer said at least one voice response application (the mobile phone unit 112-fig. 1 inherently includes a processor for executing the request and receiving the response from the IVR application 304-fig. 3).

Regarding claims 2, and 94, the web browsing server 102-fig. 1 serves as a data network interface for retrieving information responsive to the request from the mobile phone unit 112-fig. 1, see col. 16-line 1 to col. 17-line 23.

Regarding claim 3, Kurganov discloses the Internet 110-fig. 1.

Regarding claims 4, and 95, the mobile phone 112-fig.1 establishes a connection with a web browsing server 102-fig. 1 for an up to data weather report responsive to the information retrieved by the media server. The web server 102 is capable of having an application logic to provide response and prompts for execution from the mobile phone unit 112.

Regarding claims 5, and 96, the media server 106 has a structure as that of the media server 510-fig. 5, therefore, it inherently includes a translation logic for translation retrieved information to a format compatible with the application logic of the media server, see col. 18, lines 45-67.

Regarding claims 6, and 97, the media server 510-fig.5 is capable of dividing the voice response application in one or more executable sub modules, wherein the sub modules is responsive to memory limitations of the mobile phone, see col. 18, lines 45-67.

Regarding claims 7, and 98, the mobile phone 112-fig. 1 is capable of obtaining one of the sub modules for execution.

Regarding claims 8, and 99, the mobile phone 112-fig. 1 is capable of obtaining a next one of the sub modules after completing execution of a previous sub module.

Regarding claims 9, and 100, a user interface such as a display enables the user of the mobile phone 112 accepts the input by pressing a key for answering with "Y" or "N".

Regarding claims 11, and 101, the processor of the mobile phone 112-fig. 1 is capable of processing the user input internally such as prompting a question for a short "yes" or "no" answer according to the voice response application.

Regarding claims 12, and 102, the mobile phone 112-fig. 1 inherently includes a speech recognition engine with function similar to the unit 300-fig. 3, see col. 4, lines 44-47.

Regarding claim 15, the speech recognition function is inherently disposed permanently within the mobile phone user 112-fig. 1.

Regarding claims 17, and 103, the media server 106-fig. 1 includes a speech recognition engine 300-fig. 3 for receiving voice command from the mobile phone 112-fig. 1.

Regarding claims 18, and 104, the mobile phone 112-fig. 1 inherently includes an audio transducer for playing messages such as greeting messages to the user, and a display for presenting visual information such as rain or sunny weather in accordance to the voice response application.

Regarding claims 21, and 105, the user of the mobile phone 504-fig. 5 is capable of selecting information presented to him such as TV, or VCR, etc.

Regarding claim 22, up-to-date weather information is capable of being down load to the mobile phone 112-fig. 1 via the IVR application 304-fig. 3.

Regarding claim 23, as the weather information in the stored memory is not a version of forecasting one week ahead, the forecast can be obtained by the media server.

Regarding claims 26, and 106, the mobile phone unit 112-fig. 1 initiates the media server 106 via a voice connection, and capable of receiving information over a data connection.

Regarding claims 27, and 107, in Kurganov the voice connection comprises a PSTN 118-fig. 1 and the data connection via a packet switched network 110-fig. 1.

Regarding claims 28, and 108, the mobile phone 112-fig. 1 is capable of communicating with the media server 106-fig. 1 using both voice and the Internet.

Regarding claims 30, and 109, the IVR 334-fig. 3 is capable of using the XML, see col. 17, lines 21-27.

Regarding claim 53, Kurganov discloses a robust voice browser system and voice activated device controller.

a central server (a media server 510-fig.5, col.17-line 28 to col.19-line 21) *in communication with a data network* (the Internet 502-fig.5);

extensible application code disposed on said central server, said code defining an interactive voice response application (an up to date extended forecast subcategory from web sites can be download to the media server 510-fig. 5 in XML format, col. 17, lines 5-27. The XML format defines an interactive voice response application to a mobile device 504-fig.5);

memory disposed on said communication device for storing a copy of said extensible application code , wherein said communication device downloads said copy from said central server using said data network (the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information download in XML format, wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5. See also fig. 1, col. 15-line 30 to col. 17-line 27); *and*

a processor disposed on said communication device for running said copy of said extensible application code and administering said interactive voice application substantially independent from said central server (the mobile phone unit 504-fig. 5

inherently includes a processor for running the download weather information, and the mobile unit is capable of interacting with the IVR application 304-fig. 3 independently).

Regarding claim 31, this claim has similar limitations as claim 53. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 53.

Regarding claims 32, and 54, the IVR application 304-fig. 3 is capable of retrieving information from the media server 510-fig. 5 responsive to the requests from the mobile phone 504-fig. 5.

Regarding claims 33, and 55, as the retrieving information downloaded in XML format via the Internet from the web browsing server 506 to the media server 510-fig. 5 for response to the mobile phone user, the responsive information presented in XML software code.

Regarding claims 34, and 56, the mobile phone unit 504-fig. 5 retrieves the responsive information from the media server 510-fig. 5.

Regarding claim 35, the media server 510-fig. 5 obtains the responsive information from the database 508 and the data network 502-fig. 5.

Regarding claim 36, the media server 510 is capable of converting the responsive information in a format compatible with the IVR application 304-fig. 3.

Regarding claims 37, and 65, the media server 510-fig.5 is capable of dividing the voice response application in one or more executable sub modules, wherein the sub modules is responsive to memory limitations of the mobile phone, see col. 18, lines 45-67.

Regarding claim 38, the mobile phone unit 504-fig. 5 inherently includes a processor and an audio transducer for processing received speech command from the user in response to the voice messages played by the IVR application 304-fig. 3.

Regarding claim 45, the mobile unit 504-fig. 5 is capable of reestablishing subsequent connection to the media server 510 after finished retrieving the information.

Regarding claims 46, and 66, the mobile phone 504-fig. 5 is capable of obtaining a next one of the sub modules after completing execution of a previous sub module.

Regarding claim 48, the initial connection between the mobile unit and the media server 510-fig. 5 is established via a PSTN 512 network, and the transmission of XML data is implemented via the 502-fig. 5 data network.

Regarding claims 49, and 68, the system of Kurganov is capable of establishing a communication between the mobile phone user and an operator, for example of a desired hotel, as a result of the request made by the user with the IVR application 304-fig. 3.

Regarding claims 52, and 70, in Kurganov the communication is established using a combination of PSTN and data network.

Regarding claim 67, the mobile phone unit 504-fig. 5 is capable of downloading a copy of up-to-date weather information by communicating with the media server 510-fig. 5 using the PSTN 512-fig. 5.

Regarding claim 71, Kurganov discloses a robust voice browser system and voice activated device controller.

at least one function for operation of said interactive multimedia response application corresponding to a predefined set of at least one of desired application feature (the mobile phone unit 504-fig. 5 inherently includes memory for storing instructions to operate with an IVR application 304-fig. 3 of the media server 510 with regard to a desired application, see col.17, lines 28-64);

a multimedia display driver for processing multimedia information for presentation to a user (the media server 510 inherently includes software modules for processing multimedia information of a desired application that possibly come from TV, VCR sources to the mobile phone user, see fig. 5);

application logic for providing multimedia information to said multimedia display driver for presenting user prompts according to operation of said at least one function (the media server 510 includes an IVR application 304-fig. 3 for providing multimedia information to the software module for presenting the user prompts according to the desired application);

and multimedia input interface for processing multimedia input (the mobile phone unit inherently includes input interface such as a processor and an audio transducer for processing multimedia input messages played by the IVR application 304-fig. 3 to the mobile phone unit).

Regarding claim 72, the media server 510-fig. 5 inherently includes software modules such as an audio media player for presenting audio files to the user, and graphic driver for presenting visual information to the display of the mobile phone unit.

Regarding claim 73, the media server 510-fig. 5 includes a speech synthesis engine 302-fig. 3.

Regarding claim 77, this claim has similar limitations as claim 53. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 53.

Regarding claim 78, the mobile phone unit is capable of retrieving information responsive to the IVR application 304-fig. 3.

Regarding claim 79, the mobile phone unit is capable of retrieving information stored from the memory of the mobile unit, and from an external database such as the unit 508-fig. 5.

Regarding claim 80, the connection between the mobile phone 504-fig. 5 and the media server 510-fig. 5 comprises a data socket connection.

Regarding claim 92, this claim has similar limitations as claim 1. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 1.

Regarding claim 93, the media server 106-fig. 1 communicates the IVR application 304-fig. 3 to the mobile phone 112-fig.1 via at least a connection.

Regarding claim 110, this claim has similar limitations as claim 31. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 31.

Regarding claim 111, the media server 510-fig. 5 is capable of transmitting the data in XML format with respect to the IVR application 304-fig. 3 to the mobile phone 504-fig. 5.

Regarding claim 112, the media server 510-fig. 5 is capable of retrieving information responsive to the request from the mobile phone.

Regarding claims 113-114, the mobile phone unit 504-fig. 5 is capable of retrieving information from the download via the media server 510 after the initial connection is made.

Regarding claim 115, the media server 510-fig. 5 obtains the responsive information from a data base 508-fig. 5 and a data network 502.

Regarding claim 116, the media server 510-fig. 5 is capable of converting the download information in XML format to one compatible with the IVR application.

Regarding claim 117, this claim has similar limitations as claim 37. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 37.

Regarding claim 118, this claim has similar limitations as claim 38. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 38.

Regarding claims 119-120, the mobile phone 504-fig. 5 inherently includes a processor and an audio transducer for processing the voice input from the user.

Regarding claim 121, this claim has similar limitations as claim 45. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 45.

Regarding claim 122, this claim has similar limitations as claim 46. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 46.

Regarding claim 123, this claim has similar limitations as claim 48. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 48.

Regarding claim 124, this claim has similar limitations as claim 49. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 49.

Regarding claim 125, this claim has similar limitations as claim 52. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 52.

Regarding claim 126, Kurganov discloses a robust voice browser system and voice activated device controller.

means (the mobile phone unit 112-fig. 1 inherently includes a processor for establishing a connection with a media server 106-fig. 1, which in turn initiating a IVR application 304-fig. 3, wherein the IVR application plays audio messages to the mobile phone user presenting a list of options as requested by the user, see col. 15-line 31 to col. 16-line 22) *for actuating said communication device to initiate an interactive voice response session, wherein said interactive voice response sessions is defined by application logic on said communication device*;

means for observing multimedia prompts on said communication device by said interactive voice response session (the mobile phone unit 112-fig. 1 includes a display enabling a user to observe prompts of restaurant options, see col. 15, lines 46-67);

mean for providing said interactive voice response session multimedia input responsive to said observed multimedia prompts, wherein said multimedia input is processed by said application logic on said communication logic (the mobile phone unit 112-fig.1 inherently includes an audio transducer for converting a command in speech into a format compatible with that presenting at the mobile's display from the IVR application 304-fig. 3, and the mobile's processor is capable of processing the speech input)*; and*

means for observing multimedia information on said communication device provided by said interactive voice response session responsive to said processed multimedia input (the mobile phone unit 112-fig. 1 includes a display enabling the user to observe the scope of restaurants to be reported to the user, see col. 15, lines 46-67).

Regarding claim 127, the mobile phone 504-fig. 5 inherently includes a processor and an audio transducer for receiving the response from the IVR application 304-fig. 3.

Regarding claim 128, this claim has similar limitations as claim 82. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 82.

Regarding claim 129, this claim has similar limitations as claim 83. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 83.

Regarding claim 130, this claim has similar limitations as claim 87. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 87.

Regarding claim 131, this claim has similar limitations as claim 90. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 90.

Regarding claim 132, this claim has similar limitations as claim 91. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 91.

Regarding claim 81, this claim has similar limitations as claim 126. Therefore, it is rejected under Kurganov for the same reasons set forth in the rejection of claim 126.

Regarding claims 82, and 126, the mobile phone 112-fig.1 includes a display enabling a user to observe prompts of restaurant options presented via the mobile's audio transducer, see col. 15, lines 46-67.

Regarding claim 83, in Kurganov the multimedia prompt may comprise a visual information regarding a stock symbol, and audio segments presenting the stock profile of the display stock symbol.

Regarding claim 84, the multimedia input is capable of being chosen from a group comprising speech, DTMF signals, and text.

Regarding claim 85, the multimedia information uses the audio transducer mechanism, and the visual information uses the display of the mobile phone 112-fig.1.

Regarding claim 87, the mobile phone unit is capable of retrieving information responsive to the IVR application 304-fig. 3.

Regarding claim 89, the mobile phone unit 112-fig. 1 retrieves additional information from the database 100-fig.1 when its memory does not store that particular information.

Regarding claim 90, the mobile phone unit 112-fig.1 is capable of storing multimedia information such as weekly weather information in its memory in such a way to remain independent to the IVR 304-fig. 3.

Regarding claim 91, the media server is capable of transmitting multimedia information to another device such as a second unit 112-fig. 1.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Donovan et al. (US 6,512,818) ; Perrone (US 6,418,199); Jennings et al. (US 6,430,174); Levy (US 6,556,997); Henderson et al.(US 6,327,363) are cited to show extensible interactive voice response, which is considered pertinent to the claimed invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3155. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

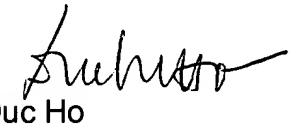
If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-3147.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

09-01-04